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THE RESEARCH REVIEW

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Representative Dale Ford gets to carry home the trophy milk pail this week as the winner of *Ag Day on the Hill's* annual milking contest. The celebration included the awarding of a check in honor of Rep. Ford's victory to the Second Harvest Food Bank from the Farm and Forest Families of Tennessee.

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Members show up - and down - support for Rep. Mike Turner, a contestant in Ag Day on the Hill's milking contest.

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THE FULL COMMITTEE

Tuesday was *Ag Day on the Hill 2009*. The Agriculture Committee did not have any bills on notice, but it did hear introductions and presentations from about twenty speakers representing the many facets of the agriculture industry. Chairman Bone was presented an empty milk bottle produced in Greenvale, TN from Agriculture Commissioner Ken Givens. Thirty agricultural booths and exhibits lined the inside of the legislative plaza while livestock, which included chickens, sheep, mules and a dairy cow, were outside the plaza on display. Also taking place outside was the perennial Ag Day favorite, the milking contest between members.

THE GENERAL SUBCOMMITTEE OF AGRICULTURE

The Gen Sub of Ag met Wednesday to consider two bills on calendar.

HB 530 (Hackworth) was referred to full committee as amended. The amendment rewrites the bill. The commissioner shall post notification at least fifteen days prior to the removal of a tobacco product manufacturer or brand family in the directory and transmit notification of such removal to any person who has provided an electronic mail address for the purpose of receiving the directory updates.

HB 537 (Bell) was rolled to the last calendar. This bill deletes current “No Smoking” sign posting requirements and requires establishments to post signs stating that smoking is permitted.

children & family affairs

Amelia Mitchell

THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Wednesday, April 15th and considered the following legislation:



Rep. Hawk

Referred to Calendar & Rules:
HB 929 by Rep. Hawk as amended mandates that every decree of divorce will contain a notice that even though the party may not be responsible for the debt under the terms of the decree they still may be liable for that debt. The notice will also state that it may be in the party's

best interest that they can cancel, close or freeze any jointly held account.

HB 202 by Rep. Dunn as amended allows the judge, in cases not already covered in current statute, to order that the administrators at a school be notified that an adjudicated delinquent will be attending that school.

HB 806 by Rep. Campfield as amended authorizes courts costs, reasonable attorney's fees and previously made child support payments to be awarded to a man once that man is found not to be the father of such child.

HB 237 by Chairman DeBerry removes the requirement that a guardian ad litem must agree to the parenting plan in divorce cases before the court can approve such parenting plan.

HB 1105 by Chairman DeBerry establishes that a parent is entitled to legal representation during proceedings involving abuse, dependency or neglect, and termination of parental rights.

HB 1305 by Chairman DeBerry requires juvenile courts to have custody proceedings in compliance with the Indian Child Welfare Act.

Referred to Finance, Ways & Means:

HB 321 by S. Jones as amended sets up a process for foster parents to voice issues they may be having with their case managers. This alerts the regional supervisor and commissioner of such problems and unless they can be worked out within the department, the Tennessee Commission of Children and Youth will step in to intervene with the situation to have it resolved.

HB 1557 by S. Jones as amended states that when a child is adjudicated delinquent or before the child admits to the commission of any offense, the court has to notify the child that when they are fingerprinted, upon commission of the crime, those prints will be forwarded to TBI.

HB 2262 by Chairman DeBerry deletes the authorization for child abuse review teams.

Deferred one week, pending an amendment:

HB 1679 by Rep. Maddox expands the facilities where infants can be voluntarily delivered to include law enforcement, fire and emergency medical services facilities.

FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** met on Tuesday, April 14th and heard the following legislation:

Referred to Full Committee:

HB 5 by Rep. Hardaway as amended requires the court to set a presumptive date for terminating the child support obligation except when medical support or other fees may be due to support a disabled child, or to comply with a court order requiring support for a child through college.

Deferred one week:

HB 459 by Rep. McDonald

HB 829 by Rep. S. Jones

HB 2295 by Rep. S. Jones

HB 362 by Rep. Dennis

Deferred two weeks:

HB 877 by Rep. Hensley

HB 2372 by Rep. McCord

DOMESTIC RELATIONS SUBCOMMITTEE

The **Domestic Relations Subcommittee** met on Wednesday, April 15th and the following legislation was sent to full committee:

The following legislation was deferred one week, pending an amendment.

HB 33 by Hardaway

The following legislation failed:

HB 2 by Hardaway enacts the “Equal and Fair Parenting Act” to create a rebuttable presumption that equally shared parenting is the custody arrangement in the best interest of a child.

FULL COMMITTEE

The **Commerce Committee** passed out six bills on Tuesday during its full committee meeting.

HB 1698 (McCormick) would allow any incumbent telephone service provider (AT&T) to operate under market regulation instead of price regulation through the Tennessee Regulatory Authority. Two amendments were adopted. The first amendment: 1) addresses the fiscal impact, 2) maintains TRA as the dispute resolution forum for wholesale issues between carriers, 3) specifies TRA's jurisdiction over carriers using market regulation, 4) preserves TRA's authority in rural areas until the carrier demonstrates that there is competition in those markets, 5) maintains the current level of authority for TRA to address consumer complaints. The second amendment removes the federal protection from competition for rural providers who elect to use market regulation.

[passed to Finance, Ways, & Means]

HB 1303 (Jones S) creates a 2-1-1 advisory council to advise and assist the Tennessee Regulatory Authority. 2-1-1 is the number individuals can call to get information and referrals for government or community assistance.

[passed to Calendar & Rules]

HB 518 (Shaw) creates a pool of funds to be used to establish a surety bond guarantee program for small contractors and small businesses. An amendment was adopted that removes the Department of Economic & Community Development as the entity that would administer the program.

[passed to Finance, Ways, & Means]

HB 981 (McDaniel) as amended increases from \$100,000 to \$250,000 the maximum obligation of the Tennessee insurance guaranty association for annuity benefits in the event that an insurance company becomes insolvent.

[passed to Calendar & Rules]

HB 2312 (Shepard) makes various changes concerning pre-need funeral contracts, home inspectors, collection services, and real estate appraisers. In regards to pre-need funeral contracts, the bill expands the definitions of "pre-need sales agent" and "pre-need seller" to include



Chairlady Harwell, Rep. Shepard

individuals who engage in conduct requiring registration to sell pre-need funeral contracts. The bill allows home inspectors to place their license in an "inactive" status. It deletes the requirement for location managers at collection services to renew their licenses prior to expiration or risk revocation. It also removes the requirements for real estate appraiser trainee licensure and instead requires trainee certification.

[passed to Government Operations]

HB 1922 (Pitts) requires any owner of a manufactured home, who is also the owner of the property that the manufactured home is affixed, to surrender the certificate of the title or the manufacturer's statement or certificate of origin of such manufactured home to the Department of Revenue for cancellation. An amendment was added to clarify that the affidavit of affixation is a separate document and removes the requirement that the affidavit include the decal number from the manufactured home.

[passed to Calendar & Rules]

HB 1517 (Curtiss) requires petroleum suppliers to make unblended gas or diesel available to wholesalers so that the wholesaler may blend the gas or diesel with ethanol or other biological products. The committee heard additional testimony from the Tennessee Fuel & Convenience Store Association. They contend that the regional suppliers should be able to blend the fuel and choose where they get their ethanol from. Dan Moenter with Marathon Oil testified against the legislation arguing

that this is a contractual issue and that the oil companies should be able to protect their own product by requiring suppliers to use their ethanol. The committee ran out of time and will hear further testimony from Lisa Wheeler with the Valero Refinery next week.
[rolled for one week]

The following bills were *rolled for one week*:

HB 595 (Coleman)
HB 738 (Mumpower)
HB 1349 (Sargent)

UTILITIES AND BANKING SUBCOMMITTEE

The **Utilities and Banking Subcommittee** met on Tuesday and moved three bills to the full committee.

HB 852 (Odom) as amended creates a special joint study committee to review statutes, rules and regulations regarding the prevention of damage to underground utilities.
[moved to full committee]

HB 1423 (Todd) makes changes to the Tennessee Athletic Commission. Rep. Todd is waiting on an amendment from the Athletic Commission, which he will present to the full committee.
[moved to full committee]

HB 1518 (Fitzhugh) allows cooperatives and municipal utilities to pool resources to create a new, separate non-profit cooperative to own and operate electricity generating equipment. Two amendments were adopted by the subcommittee. The first amendment removes the four year exemption on ad valorem property taxes. The second amendment requires TACIR to study whether the current wholesale power supply arrangements between the TVA, municipal utilities, and electric cooperatives are likely to change in the future in a way that could affect payments in lieu of taxes from the TVA to the state and local governments.
[moved to full committee]

The following bills were *rolled for one week*:

HB 235 (DeBerry J)
HB 792 (Bass)
HB 1842 (Sargent)
HB 57 (Hardaway)
HB 1743 (Fitzhugh)

HB 704 (Turner L) was taken off notice.

SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Tuesday and moved four bills to the full committee.

HB 1631 (Richardson) increases from 5 to 10 years the minimum age of an abandoned vehicle that can be demolished without title and notification to the last owner.
[moved to full committee]

HB 1632 (Richardson) specifies that the authorization for a vehicle to be towed may not come from a garage keeper or towing company who is acting as an agent of the property owner. This issue arises when an owner of private property receives money from a towing company for allowing them to authorize the towing of a vehicle.
[moved to full committee]



HB 1309 (Harmon) creates a procedure for funeral directors and embalmers to place their license on an inactive status. Rep. Harmon is working on an amendment to address concerns of the Department of Commerce & Insurance.
[moved to full committee]

HB 472 (Cobb C) as amended, limits renewal clauses in alarm systems contracts to one year. It also allows for cancellation during the renewal period if the individual is moving into a nursing home, hospital, or assisted living.
[moved to full committee]

The following bills were *rolled for one week*:

HB 1846 (Miller L)
HB 1186 (Litz)
HB 2085 (Sargent)

The following bills were *rolled to 2010*:

HB 24 (Hardaway)

HB 34 (Hardaway)

HB 41 (Hardaway)

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday and moved two bills to the full committee.

Special Mandate Calendar

HB 636 (Maggart) would require health insurance coverage of hearing aids for minors. Dr. Tamala Bradham testified that mandated coverage for hearing aids would be greatly beneficial for children who suffer from hearing loss. Hearing aids are vital during a child's developmental stages, and it has been shown to help children with hearing loss keep on track with other children. Mandated coverage is needed because many families must save for months to afford hearing aids, during which time the child has to do without. The subcommittee decided to delay the bill to next year to work further with the insurance companies to solve this issue.

[rolled to 2010]

HB 396 (Fincher) would: 1) create an advisory committee to determine proper funding for colon cancer screenings provided by the state for uninsured individuals, and 2) require insurance companies to cover the screenings. The subcommittee heard testimony from the American Cancer Society. Colon cancer is the 2nd highest leading cause of cancer-related deaths in the United States. It is very treatable if caught in stage 1 with a 90% survival rate. However, without early detection the survival rate drops dramatically. Many insurers do provide coverage for the screenings. The subcommittee decided to delay the bill to next year, during which time the Department of Commerce & Insurance will determine how many insurers are not providing for the screenings.

[rolled to 2010]

HB 2105 (Shepard) would increase the required coverage for autism treatments. In 2006, the General Assembly passed legislation that required coverage for therapeutic services till age 12 for autistic children. This bill would increase coverage to age 18 and specify which therapeutic services are to be covered. The subcommittee heard from Carol Westlake of the Tennessee Disability Coalition. In order to work further on an amendment and address issues with the fiscal note, the subcommittee rolled the bill to the last calendar of this session.

[rolled to last calendar]

HB 1359 (Niceley) requires health care plans to offer coverage for prosthetic devices. The subcommittee heard testimony from Jack Richmond of Chattanooga, TN with the Barr Foundation. Mr. Richmond said many insurance companies are limiting coverage for prosthetics by capping benefits. For instance, policies may only cover \$2500 for a prosthetic that costs \$15,000. Some policies only offer a lifetime benefit of \$5,000. Individuals who use prosthetics will need to obtain new ones because of age and anatomical changes. An amendment was offered which says an insurance company must offer the coverage at no less than 75% of the payment under the Medicare/Medicaid program. The bill was rolled to allow committee members to review the amendment.

[rolled for two weeks]

HB 1461 (DeBerry, J.) was rolled for one week.

The following bills were *taken off notice*:

HB 2367 (Stewart)

HB 338 (Swafford)

HB 65 (Fincher)

HB 1727 (Mumpower)

Regular Calendar

HB 1520 (Sargent) as amended makes a correction to legislation enacted last year that prohibits a health insurance carrier from requiring notification of a hospital inpatient admission within a period of time that is less than one business day, if the notification or admission occurs on a weekend or federal holiday.

[moved to full committee]

HB 1251 (Curtiss) as amended creates a licensure for crop insurance adjusters. The Commissioner of Commerce & Insurance would have the ability to place



Rep. Niceley

education and certification requirements on individuals applying for the license.
[moved to full committee]

The following bills were *rolled for one week*:

HB 2096 (Towns)
HB 912 (McCormick)
HB 2304 (Shepard)

HB 1252 (Curtiss)
HB 793 (Shepard)
HB 1721 (Lundberg)

HB 1671 (Lynn) was rolled to 2010.

conservation & environment

Jeremy Maxwell

THE FULL COMMITTEE

The Conservation and Environment Committee met Tuesday to consider four bills on calendar.

The following bills were *referred to Calendar and Rules as amended*:

HB 661 (Sargent) shall only apply to those counties on the effective date of this act that have been designated by the air pollution control board to have an inspection



Rep. Sargent

and maintenance program. A board or any entity or vendor that contracts to perform annual emissions tests shall promptly and permanently purge all identifying information regarding motor vehicles that are not registered in a county that has been designated by the air pollution control board to have an inspection and maintenance program.

HB 1250 (Curtiss) directs the Commissioner of Environment and Conservation to conduct a study concerning the exemption for the open burning of wood waste. The department and the Division of Forestry will study appropriate coordination with the division's burn permits. A report of the findings shall be submitted to

the chairs of the House and Senate Conservation and Environment Committees by January 15, 2010.

HB 1307 (Harmon) was *referred to Calendar and Rules*. This bill expands the organizations eligible to receive matching state funds for tourist promotion plans to include a tax exempt public agency representing all the area within a planning region of this state and any development district, regional commission and association of local governments.

HB 2248 (McCord) was *deferred one week*. This bill requires rock mining operations on land where the state owns the surface rights to be subject to permitting and bond requirements as directed by the Department of Environment and Conservation.

ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee met Tuesday to consider six bills on calendar.

HB 1619 (McCord) was *referred to full committee as amended*. This amendment deletes the original bill in its entirety. The amended bill eliminates the requirement that all concentrated animal feeding operations (CAFO's) obtain coverage under a permit and instead would only require those operations required by the federal Clean Water Act to be issued a permit.

HB 1972 (Harmon) was *referred to full committee*. This bill requires any public water system serving 15 or more connections or 25 or more people to provide a water plan which would include a water supply plan, a drought preparedness plan and a water conservation plan. Large systems would be required to submit such

plans to the Department of Environment and Conservation by January 1, 2010 and every fifth year thereafter. Small systems would be required to submit their plans to TDEC by January 1, 2011 and every fifth year thereafter. It authorizes joint plans for systems serving the same city or county. TDEC will be required to review plans for compliance and inform systems of the results. Systems would be required to implement the plan within 12 months of receiving notification of compliance from TDEC. The bill requires TDEC to prepare a guidance document and forms for small systems to complete. Such forms must be available online and specify the required content of the plans. Also requires each system to submit an annual report to TDEC which would include information concerning customers, capacity, diversions to and from the system, and effluent emissions. Systems will be required to maintain service area map and certain records. TDEC will be required to prepare information to assist the systems in records maintenance. An amendment will be brought in full committee to create a study committee on a water study plan.

The following bills were *deferred for one week*:

HB 1615 (McCord)
HB 1616 (McCord)
HB 1617 (McCord)
HB 790 (Gilmore)

WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee met Wednesday to consider six bills on calendar.

HB 882 (Maddox) was *referred to full committee*.



Rep. Maddox

This bill authorizes state residents who are 50 percent or more disabled as a result of rheumatoid arthritis to obtain permanent combination hunting and fishing license at a reduced one-time fee of \$10.00.

The following bills were *deferred one week*:

HB 725 (Hensley)
HB 365 (Matheny)

HB 958 (McCord)
HB 2366 (Turner, M)

HB 970 (McCord) was *deferred to the heel of last calendar*.

HB 456 (McDonald) was taken off notice.

PARKS SUBCOMMITTEE

The Parks Subcommittee met Wednesday to consider one bill on calendar.

HJR 253 (Harmon) was *referred to full committee*. This joint resolution urges the Department of Environment and Conservation to study the feasibility of developing more trails for horseback riding on portions of Fall Creek Falls State park and South Cumberland State Park that are not designated state natural areas.

consumer & employee affairs

Lucy Wilson

THE FULL COMMITTEE



Chairman Matheny

House Consumer and Employee Affairs Committee met to hear five bills. One bill passed to Calendar and Rules and the others were rolled.

Passed to Calendar and Rules:

HB 1161 by Haynes (SB 0682 Woodson) Codifies the current practice of allowing a claimant to enroll in an institution of

higher education and still receive unemployment benefits. An amendment passed that corrects a typographical error.

Rolled one week:

HB 2092 by Towns (SB 1491 by Ford, O.) prevents reduction or termination of unemployment benefits due to claimant's enrollment in an institution of higher education.

HB 1286 by Casada (SB 1393 by Johnson) excludes nursing homes from the charitable solicitation statute.

HB 1876 by Matheny (SB 1623 by Beavers, Ford, O.) excludes prepaid cards that are usable with multiple, unaffiliated sellers of goods or services and/or ATM machines from the gift certificate statute.

Rolled two weeks:

HB 2324 by Curtiss, (SB 2315 by Kyle,) revises the penalties and punishments imposed on any person or employing unit that knowingly violates or attempts to violate the provisions governing experience ratings for employers, or knowingly advises another person or employing unit to violate the provisions. The Committee adopted an amendment that makes the bill.

EMPLOYEE AFFAIRS SUBCOMMITTEE

The Employee Affairs Subcommittee had 12 bills on the calendar.

Passed to Full Committee:

HB 1993 by Sargent (SB 1364 by Johnson) allows a trade association that has an agreement with pool participants for liability insurance to operate by constitution, bylaws, or an operating agreement. An amendment follows the bill.

HB 2190 by Turner L (SB 1971 by Norris) provides that non-county resident parties secure judicial review of board of review decisions by filing in the chancery court of the county where the employer is located unless it is a tax case in which case filing would be in Davidson County.

Rolled one Week:

HB 1916 by Lynn (SB 1674 by Johnson) enacts the "Secret Ballot Protection Act of 2009".

HB 1760 by Curtiss (SB 1201 by Tracy) revises benefit provisions concerning seeking work, dishonesty and absenteeism, and also revises hearing procedures, and penalties for fraud. Before rolling the bill, the committee added an amendment that makes the bill.

HB 0480 by Hill (SB 0469 by Johnson) clarifies it is not a discriminatory practice under state law for an employer to institute an English-only policy in the employer's workplace based on business necessity. An amendment follows the bill that directs employers to give notice to employees of the policy and the consequences of violating it.

HB 2162 by Kelsey (SB 2148 by Bunch) prohibits expenditure of funds by the department of labor and workforce development under unemployment law for any benefits under any policy or statute authorized by the American Recovery and Reinvestment Act of 2009 that requires expenditure of state funds under the unemployment law after June 30, 2011.

HB 0820 by Campfield (SB 1251 by Bunch) requires certain political activities by labor organizations be funded separately through voluntary donations of members and not through regularly collected dues.

HB 1571 by West (SB 0432 by Bunch) authorizes officers of corporations to exempt themselves from unemployment law provisions.

HB 1355 by Carr (SB 1311 by Tracy) conforms Tennessee's law relative to drug-free workplace testing to U.S. Department of Transportation rules pertaining to workplace drug and alcohol testing.

HB 311 by Sargent (SB 83 by Stanley) prohibits local governments from requiring a private employer to pay its employees any wage not required to be paid to such employee under state or federal law.

Rolled to the First Calendar in 2010:

HB 776 by Turner M (SB 1664 by Harper) enacts the "Pay Equity in the Workplace Act."

Failed:

HB 0397 by Fincher (SB 1731 by Burks) prohibits employers from requiring employees to use vacation time while on family or medical leave.

CONSUMER AFFAIRS SUBCOMMITTEE

The Consumer Affairs Subcommittee had seven bills on calendar.

Passed to Full Committee:



HB 1278 by Stewart (SB 0812 by Overbey) enacts the "Uniform Debt Management Services Act." The amendment that was adopted was stripped and a new amendment that made technical corrections to the first one replaced it. It now travels with the bill to full committee.

HB 2276 by Turner M (SB 2309 by Kyle) specifies that the provisions of the Tennessee Consumer Protection Act governing prizes as inducements and the prohibition on failing to clearly and conspicuously state the name and street address of the person making the offer also apply to the person marketing or promoting the offer.

Rolled one Week:

HB 2005 by McDaniel, Cobb T (SB 1595 by Stanley) creates the "Freedom in Contracting Act", which prohibits governments from imposing labor and wage requirements on bidders who desire to provide products or services that are state-funded. The legislation applies to contracts entered into on or after July 1, 2009.

HB 764 by Turner M (SB 1737 by Marrero B) requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value.

HB 2100 by Towns (SB 1545 by Burchett) makes it an unfair or deceptive act for an entity to request a person's social security number; permits the request to be made in certain circumstances.

HB 0550 by Hardaway (SB 0598 by Burchett) makes it a violation of the Consumer Protection Act to use any word in an advertisement or trade name referring to a governmental entity that may tend to mislead consumers to believe a private entity, is acting for or on behalf of, or has a direct or indirect relationship to a governmental entity, when such use is false, inaccurate, or misleading. An amendment travels with the bill.

Taken Off Notice:

HB 1612 by Turner M (SB 1119 by Berke) requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value.

THE FULL COMMITTEE



Chairman Brooks

The Education Committee met Wednesday. After a brief presentation by Rep. Matheny regarding the *Kidsville Newspaper*, committee business ensued. Actions of the committee on the bills on the calendar are as follows.

Referred to Calendar & Rules:

HB 694 (K. Brooks) – This bill

requires the Department of Education to develop standards for parental involvement in schools and to report on each school's and school district's compliance with the standards on the 2010-2011 report card.

HB 375 (Coley) – This bill urges school districts to employ professional archivists to maintain materials when a school building is closed down.

HB 2257 (L. Turner, M. Turner) – This bill removes the authorization allowing LEAs to transport students to athletic or other afterschool events in a van. This brings state law into compliance with federal law.

HB 2258 (Towns, M. Turner) – This bill removes the provision where no student may graduate based solely on attendance in alternative schools; thus, students will be able to graduate solely based on attendance in alternative schools.

HB 451 (Dunn) – This bill makes it mandatory that local school districts include certain criteria already established in law. Currently districts are only encouraged to include certain criteria.

HB 1306 (T. Cobb) – This bill requires the state Board of Regents to study the creation of partnerships between high school career and technical education programs and

the Regents' career and technical education programs housed in both two-year institutions and Tennessee Technology Centers.

HB 1143 (H. Brooks) – This bill clarifies retention provisions for HOPE scholarships after 72 credit hours are completed. It states that scholarship recipients must have a cumulative grade point average of at least 2.75 plus a grade point average of at least 3.0 in the last semester that the student attended full time.

HB 324 (S. Jones) – This bill requires that if a teacher or school administrator has reported child abuse, then the parents shall be told about the abuse, in conjunction with DCS. The bill was amended to require each LEA to publish these provisions in their policies and procedures manual, as well as to clarify that notifications must be made in written form.

Referred to Finance, Ways & Means:

HB 92 (J. Cobb) – This bill, with an amendment that rewrites it, makes several changes to the amount of time that a school system may use a bus before it must be taken out of service. It permits districts to use buses for up to seventeen years, if semiannual inspections are performed. These inspections must be performed after conventional buses are twelve years old, and after fifteen years for Class D buses. Logs shall be kept for all safety actions performed and all inspections performed on buses; buses over twelve years old shall also have systems that are critical to their operation repaired or replaced after their twelfth year in service. This amendment puts a limit of 200,000 miles on buses that are in their sixteenth or seventeenth year, and also suggests that local boards should apply for available federal funds to retrofit older buses with cleaner diesel technology to improve emissions.

HB 839 (Moore) – This bill extends the "Helping Heroes Act of 2008" to include current members of the Reserves and the Tennessee National Guard that are eligible for scholarships under the provisions of that act. It also removes the cap limiting awarded scholarships to 375 to max out the appropriated funds to the project.

HB 2008 (McDonald) – Under current law, if a child of divorced parents graduates from an out-of-state high school but one of their parents is domiciled in Tennessee,

then that student is eligible for in-state tuition at one of Tennessee's institutions of higher education. This bill would also make these students eligible for the HOPE scholarship.

Referred to Government Operations:

HB 474 (Harmon) – This bill authorizes students with medical disabilities that limit their ability to attend college full-time to petition TSAC for additional time to receive their HOPE scholarship. TSAC shall promulgate rules and regulations to extend scholarships in accordance to this.

HB 1911 (C. Johnson) – This bill enacts the “Interstate Compact on Educational Opportunity for Military Children.” It provides Tennessee with a board to administer the compact within the state with regards to transfer of records and other issues affecting the offspring of military personnel. An amendment was adopted to require compact commissioners to meet electronically.

HB 364 (H. Brooks) – This bill creates a loan scholarship program at post-secondary schools for potential math and science teachers. As amended, it would require potential applicants to have a 27 composite score on their ACT as well as a 27 on the individual math part if the student intends to teach math or a 27 on the science component if the student intends to teach science. The student must major in math or science as well as being accepted to a teacher education program. Potential scholarship recipients must agree to teach for at least one year that they are granted the scholarship; if this requirement is not fulfilled then the scholarship amount must be repaid. This bill appropriates no money for the program in its first year, but the first scholarships are to be awarded when at least \$1.5 million are received in donations to the fund from private sources.

Rolled one week:

HB 230 (Todd)
HB 2292 (M. Turner)
HB 1487 (H. Brooks)
HB 1917 (H. Brooks)
HB 446 (Maddox)
HB 556 (Kelsey)
HB 1104 (J. DeBerry)

Rolled to the last calendar:

HB 883 (Maddox)

Referred to Tennessee Higher Education Commission:

HB 376 (Coley)

Taken off notice:

HJR 33 (Lollar)

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** met on Wednesday with 29 bills on calendar. Charter school bills will be up for discussion for a second time next week.

Sent to the Full Committee:

HB 2293 (Winningham, M. Turner) – This bill provides that LEAs that operate preschools can contract their operation out to service providers that operate in the geographic area that the LEA serves. Outside operators must receive the highest rating assigned by Department of Human Services to child care providers.

HB 2321 (Brown, M. Turner) – This bill, an outgrowth of the Tennessee Diploma Project, changes the requirements for end of course testing. Under this bill, end of course testing in three subjects: Algebra I, English II, and Biology I, will count as part of the grade given for the course. These courses, required for graduation from high school, must be passed as a requirement for graduation from high school. This is done in concert with increased rigor of standards for coursework.

HB 687 (Winningham) – This bill would require the State Board of Education to hold a study meeting to discuss school safety. It was amended to include the chairs of House and Senate Education Committees, respectively.

HB 922 (Hawk) – This bill requires the Department of Education to develop a “College to Kids” program to enlist community professionals to give lectures to students on the benefits of attending college.

HB 1823 (Winningham) – This bill requires the State Board of Education to review policies that LEAs



K-12 Chair Winningham

employ to supervise the handout of drugs to treat behavioral concerns and to report back to the Select Oversight Committee on Education.

HB 1824 (Winningham) – This bill, as amended, requires LEAs that pay school support staffs' health insurance premiums to pay a minimum percentage of that premium. The specific amount will be specified in the annual appropriations bill, but testimony was given by staff of the Benefits Division of the Department of Finance & Administration that the minimum amount will be set at 30%. This bill was amended in subcommittee.

Rolled one week:

HB 795 (H. Brooks)

HB 2146 (Harwell)

HB 1170 (Dunn)

Rolled two weeks:

HB 1865 (Brown)

HB 1868 (Brown)

HB 59 (Hardaway)

HB 976 (McCord)

HB 1873 (Brown)

Taken off notice:

HB 103 (McCormick)

HB 299 (Hardaway)

HB 553 (Hardaway)

HB 1220 (Hawk)

HB 1524 (Hawk)

HB 1525 (Hawk)

HB 1684 (H. Brooks)

HB 1685 (H. Brooks)

HB 1866 (Brown)

HB 1867 (Brown)

HB 122 (Hardaway)

HB 60 (Hardaway)

HB 2094 (Towns)

HB 1396 (Evans)

HB 689 (Winningham)

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** met Tuesday with 17 bills on its calendar. Actions are as follows.

Sent to the Full Committee:

HB 408 (Pitts) – This bill, as amended, repeals the requirement that to graduate college at a state run college or university, you must have at least six semester hours of American history. The University of Tennessee system is already exempt from the provisions of this law,

so this bill would only apply to the Board of Regents system.

HB 648 (Lollar) –

This bill clarifies that it is the intent that state budgetary appropriations to the Tennessee Intercollegiate State Legislature (TISL) program reduce rather than eliminate fees paid by member institutions for their students to participate in the program.



HB 835 (Moore) –

This bill grants \$500 to firefighters under the auspices of the Wilder-Naifeh technical skills grant program to assist in attending the Tennessee Fire Service and Codes Enforcement Academy. While the amount may not cover the full amount of tuition necessary to complete training at the academy, it would offset some of the cost. Grant recipients would have to meet all other qualifications that apply to current Wilder-Naifeh grant recipients and would not qualify to receive another grant if pursuing other training at a different institution.

HB 1943 (Maddox) – This bill creates the “Forward Thinking for Education Task Force.” It is to be composed of nine individuals, five appointed by the governor, and two by each General Assembly speaker, respectively; appointments shall be made in collusion, so that all congressional districts are represented by an appointee. The task force shall be assisted by the Tennessee Higher Education Commission, and shall consider the structure and funding apparatus of state supported higher education in Tennessee and how well that the current system meets current and future needs of our citizens in today’s global economy. The task force shall report its findings by February 2010 and thereupon cease to exist.

HB 1219 (Hawk) – This bill requires the Tennessee higher Education Commission to explore enacting a tuition relief program for veterans as has been enacted in other states and to report its findings back to the General Assembly’s Education Committees by January 2010.

Rolled one week:

HB 1544 (Montgomery, Odom)

HB 43 (Hardaway)

HB 1221 (Hawk)

HB 1222 (Hawk)

HB 1223 (Hawk)

HB 1224 (Hawk)

Rolled to the last subcommittee calendar:

HB 808 (Campfield)

HB 1851 (Campfield)

Rolled to 2010:

HB 58 (Hardaway)

HB 2342 (Hardaway)

Taken off notice:

HB 6 (Hardaway)

HB 44 (Hardaway)

finance, ways & means

Julie Travis

THE FULL COMMITTEE

The Finance, Ways and Means Committee met Tuesday to hear nineteen bills and selected budget hearings. The following actions on legislation were taken by the full committee:

Deferred for one week:

HB 352 (Hackworth)

Referred to Calendar & Rules:

HB 336 (Carr) – Highway Sign: This bill designates the bridge spanning the Middle Fork of the Stones River on U.S. Highway 231 in Rutherford County as the “Thomas Hutchinson Bridge” and directs the Department of Transportation to erect suitable signs. As amended in Transportation, the signs will be erected if Wayne County directs the funding for the signage to the department of transportation.

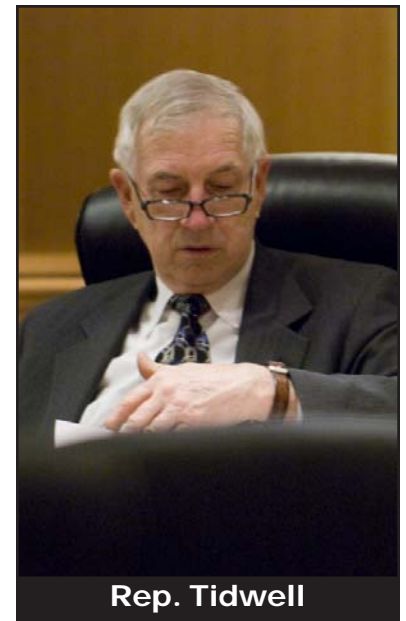
HB 487 (Tidwell) – This bill designates the segment of State Route 13 in Perry County from the intersection of such route with U.S. Highway 412 northward to the southern corporate limits of the City of Lobelville as the “Corporal David Carroll Westbrook Memorial Highway.” The funding for this memorializing signage shall be paid in accordance with TCA §54-1-133, as

Corporal Westbrook was killed in combat while serving in the U.S. Army.

HB 488 (Tidwell) –

This bill designates the segment of U.S. Highway 412 in Perry County from its intersection with State Route 13 westward to the Perry County-Decatur County boundary as the “Veterans Memorial Highway.” As amended in House Finance, Perry County will direct the funding for the signs.

HB 491 (Tidwell) – This bill designates the bridge spanning the Buffalo River on State Route 13 north of Flatwoods in Perry County as the “Sheriff Elmer Garner Memorial Bridge.” As amended in House Transportation, Perry County will pay for the signs.



Rep. Tidwell

HB 602 (Tidwell) – This bill designates the bridge spanning Big Bigby Creek on U.S. Highway 412 in Maury County as the “Jack and Florence Cecil Memorial Bridge.” As amended in Transportation, Maury County has been the designee to pay for the signage.

HB 1934 (Tidwell) – This bill designates the segment of S.R.13 in Perry County from the intersection with S.R.128 northward to the intersection with U.S. Highway 412 in the City of Linden as the “Dr. Gordon Turner Memorial Highway.” The House Transportation Committee amended the legislation to require Perry County to direct the funding for the signs to the Department of Transportation.

HB 716 (Niceley) – This bill authorizes Tennessee residents with a valid handgun carry permit to possess a weapon within the boundaries of any state park. The House Finance Committee amended the bill, adding an additional section prohibiting TDEC from replacing or changing existing park signs prohibiting firearms, and it also barred the department from erecting any new signs relative to firearm usage at an existing park. The only exception to the signage stipulation would be unless such sign replacement or repair is due to damage or part of a scheduled replacement.

HB 352 (Hackworth) – As amended by the Council on Pensions and Insurance, this bill authorizes a state retiree, a retired teacher, or local government retiree to return to work without suspension of his or her TCRS benefits, provided that the certain conditions are met.



Rep. Hackworth

HB 355 (Hackworth) – This legislation, as amended in Judiciary, requires a driver of a vehicle involved in an accident resulting in death or injury to be tested to determine alcohol or drug content of his or her blood if a law enforcement officer has probable cause to believe that the driver committed driving a DUI, vehicular homicide, or

aggravated vehicular homicide.

HB 644 (Montgomery) – This bill revises requirements to become a licensed private investigator. As amended in the House Commerce Committee, the legislation requires an individual who desires to start a private investigations firm to have 4,000 hours of experience, or if approved by the commission two years of related experience or education may be substituted for the 4,000 hours, in addition to the current requirements. An individual who owns, but does not work as a private investigator only needs to have one employee who meets the experience requirement. All current, licensed private investigation firms are grandfathered in to the legislation.

HB 889 (Hackworth) – This bill deals with the mitigation of forced property assessment by expanding the remedies provided to a taxpayer who fails or refuses to submit an assessment of tangible personal property to the assessor of property to include a request to the assessor to mitigate the forced assessment to the extent that it exceeded the standard depreciated value of the taxpayer’s assessable property by twenty-five percent or more, if the deadline to appeal to the local board of equalization has passed.

HB 985 (McManus) – As rewritten by the Transportation Committee, this bill allows owners of antique motor vehicles to drive their antique vehicles on public highways for the purpose of selling, testing the operation of, or obtaining repairs to, or maintenance on, the antique vehicle.

HB 1187 (Matlock) – This bill broadens the current prohibition on window tinting for any motor vehicle operated on the public highways, rather than only to those registered within the state. Furthermore, it creates an exemption for motor vehicles registered in another state that comply with requirements of that state.

HB 1549 (Casada) – This legislation revises the “Grape and Wine Law,” based upon a Sixth Circuit U.S. Court of Appeals decision, to thus allow out-of-state wineries to be licensed in Tennessee. The purchaser of wine from a licensed winery would be authorized to transport into and within Tennessee up to five cases or 60 liters of wine per day and would be responsible for retaining documentation relevant to the transaction.

HB 1581 (Matheny) – Hwy. Sign: This bill designates a segment of U.S. Highway 41A in Coffee County as the “Bob Couch Highway.” The City of Tullahoma is

directed to pay for the signs within one year of the bill's effective date.

HB 1720 (Carr) – This bill, as amended in State and Local Government Committee, authorizes the manufacture of intoxicating liquors in any county where both retail package liquor sales and liquor-by-the-drink have been approved through voter referendum or in any county which is included in the Tennessee River Resort District.



Rep. Borchert

HB 2111 (Borchert) – As amended in the House Conservation and Environment Committee, this bill authorizes the Commissioner of the Department of Environment and Conservation to offer discounted rates to resident veterans for activities at our state parks during the off-season.

HB 2294 (Litz) – As rewritten in the House Conservation and Environment Committee, this administration bill authorizes TDEC and the Local Development Authority to utilize stimulus funds provided by the American Recovery and Reinvestment Act of 2009 to make loans and grants to local governments for the construction of wastewater and drinking water treatment facilities in a manner consistent with federal guidelines for the dispersal of such funds.

HJR 78 (Winningham) – Hwy./Bridge Sign: This House Joint Resolution names the bridge on I-75 between the Clinch River and Lake City in Anderson County as the “Richard Noe Bridge.” Anderson County is directed in the resolution to pay for the signs within one year of the effective date.

BUDGET SUBCOMMITTEE

On Wednesday, April 15, 2009, the Budget Subcommittee of the House Finance, Ways, and Means Committee met with thirty-three bills on its regular committee calendar and addendum. Subcommittee action on these bills is as follows:

Deferred for One Week:

HB 1683 (H. Brooks)
HB 2192 (J. DeBerry)
HB 348 (Hackworth)
HB 1543 (Stewart)
HB 2264 (M. Turner)
HB 1245 (Curtiss)
HB 1246 (Curtiss)
HB 280 (Matheny)
HB 1484 (Tindell)

Deferred for Two Weeks:

HB 210 (Coley)
HB 212 (Coley)
HJR 149 (McCord)
HB 614 (Todd)
HB 616 (Todd)
HB 2157 (Towns)
SJR 127 (Sen. Black / Reps. Maggart & Curtiss)

Deferred for Four Weeks:

HJR 150 (Kelsey)

Behind the Budget:

HB 1653 (Armstrong)
HB 4 (Bass)
HB 782 (McCormick)

Taken Off Notice:

HB 684 (Cooper)
HB 1947 (Shaw)

Referred to Full Committee:

HB 268 (Watson), as amended in House Judiciary, clarifies that victims are not required to pay court costs associated with the dismissal or nonsuit of a petition for an order of protection, and are also exempt from all the other occurrences on the list set forth in TCA §36-3-617.

HB 253 (Casada) adds violations for failure to drive on the right half of the road and unlawfully overtaking and passing another vehicle to the current list of violations, which are penalized as Class A misdemeanors if another person is killed and as Class B misdemeanors if another person is seriously injured. It was amended in House Transportation to exempt vehicles used exclusively for transporting seed cotton modules and vehicles exceeding maximum height and width restrictions from the proposed violation for failing to drive on the right half of the road.

HB 1742 (Fitzhugh) establishes certain qualifications and standards for real estate continuing education instructors.

HB 372 (Ford) is a memorializing bridge sign for a member of the military who was killed in the line of duty. It designates the bridge spanning Cedar Creek on S.R. 75 from its intersection with I-26 to its intersection with S.R. 36 as the “James Lesley Isenberg Memorial Bridge” and directs the Department of Transportation to erect suitable signs. The cost of such signage shall be funded in accordance with TCA §54-1-133.

HB 1929 (Ford) is a memorializing bridge sign for a former member of the legislature. It designates the bridge located at Interstate 26 and the State Route 381 intersection in Washington County as the “Bob Good Memorial Bridge” and directs the Department of Transportation to erect suitable signs. The late Robert J. “Bob” Good, served with distinction in the House of Representatives for seven terms (86th - 90th G.A. and 95th - 96th G.A.).

HB 2330 (Harmon) is an administration bill. As introduced, the bill revises multiple governing provisions regarding motor vehicles and motor carriers. Among such changes are the adoption of rules and regulations of the U.S. Department of Homeland Security relative to the issuance of REAL ID licenses, and the adoption of rules and regulations of the Federal Motor Carrier Safety Administration relative to the issuance of commercial driver licenses. The House Transportation Committee amended the bill, removing the requirement for the Department of Safety to issue driver licenses and photo identifications that comply with the REAL ID Act of 2005, and any other subsequent federal requirements relative to the issuance of driver licenses and photo identification licenses.

HB 107 (Lundberg), as amended in Budget Subcommittee, this bill creates a new Class C misdemeanor, subject only to a fine not to exceed \$50 and court costs not to exceed \$10, for the offense of transmitting or reading written messages (text messaging) on a hand held mobile telephone or a personal digital assistant while operating a motor vehicle on any highway. The Budget Sub. Amdt. changed a provision to only require TDOT to utilize the permanent overhead informational displays located throughout the state to provide periodic messages to the motoring public that text messaging while driving is against the law in Tennessee, instead of posting metal signs along the highway. The provision previously added in the House Transportation Cmte. providing an exemption for certain

public service personnel is still contained within the legislation. This provision prevents these particular persons from being charged with the offense of texting while driving while in the official discharge of their duties; specified in the amendatory language as exempted are: State and Local Law Enforcement Officers; Campus police officers and Public safety officers (as defined by TCA §49-7-118); Emergency medical technicians, emergency medical technician paramedics, and firefighters, both volunteer and career; and State and Local Emergency management agency officers.

HB 2042 (McCord) is a local bill for Blount County; it increases their local hotel-motel tax from 4% to 5%. The proceeds from the tax shall be retained by the Blount county government to purchase land for a Visitors Center in Townsend to be built. The tax revenue distribution is specifically stated within the bill; it also requires the standard two-thirds vote of the Blount County legislative body to become effective.

HB 100 (Moore) is a memorializing bridge sign bill. It names and designates the bridge spanning the South Harpeth River on State Highway 100 in Davidson County as the “Corporal Jessie William Gammons Memorial Bridge” and directs the Department of Transportation to manufacture and erect suitable signs. As amended in House Transportation, Metro-Nashville/ Davidson County is required to pay for the signs.

HB 2278 (Shaw) is an administration bill which extends the expiration date of the Intermediate Care Facilities for the Mentally Retarded (ICF/MR) tax from June 30, 2009 to June 30, 2011. It prevents the loss of \$12.3 million in state revenues. This revenue recognition is included in the Governor’s proposed FY09-10 budget.

HB 1676 (Tindell) imposes a penalty for failure of a tobacco distributor or manufacturer to provide certain information to the Commissioner of Revenue.

government operations

Amber Rice

The **Government Operations Committee** met on April 15th to consider seventeen bills.

HB 1035 by Rep. Lynn, HB 1100 by Rep. Lynn, HB 1815 by Rep. Lynn, HB 1512 by Rep. Tindell, HB 1204 by Rep. McCord, and HB 50 by Rep. Gilmore were deferred for one week.

HB 997 by Rep. Lynn and HB 1092 by Rep. Lynn were deferred for two weeks.

The following bills were passed to **Calendar and Rules**:

HB 1023 by Rep. Lynn- Extends Interstate Compact on Juveniles to June 30, 2013.

HB 1026 by Rep. Lynn- Extends Department of Revenue to June 30, 2014.

HB 1027 by Rep. Lynn- Extends Review Committee to June 30, 2015.

HB 1065 by Rep. Lynn- Extends Local Government Planning Advisory Committee to June 30, 2014.

HB 1017 by Rep. Lynn- Extends Information Systems Council to June 30, 2015.



Rep. Barker

HB 2250 by Rep. Barker- Transfers all references of and responsibilities for alcohol and drug treatment and services in Tennessee Code Annotated from the Department of Health to the Department of Mental Health and Developmental Disabilities.

HB 2329 by Rep. Ty Cobb- Authorizes the state fire marshal

to charge a convenience fee, in an amount to cover

actual administrative expenses, to allow for the receipt of construction plans, specifications, and fees electronically. This fee will be in addition to the current fees assessed for the cost of reviewing construction plans and specifications.

The following bill was passed to **Calendar and Rules with an amendment**:

HB 1025 by Rep. Lynn- As amended, extends the Interstate Compact for Supervision of Adult Offenders to June 30, 2013.

The following bill was passed to **Finance, Ways and Means with an amendment**:

HB 1420 by Rep. Tidwell- As introduced, effective January 1, 2010, requires the Board of Examiners of Land Surveyors to license and regulate soil scientists. Establishes minimum educational and experience requirements to apply for licensure. Requires the Commissioner of Commerce and Insurance to establish the Soil Science Advisory Committee (SSAC) which shall be administered by the Board of Examiners of Land Surveyors. Violation is a Class B misdemeanor. Authorizes the Commissioner to assess a civil penalty of up to \$1,000 per violation. The Government Operations amendment creates a Sunrise provision for SSAC and states that the committee will be subject to a Sunset date of June 30, 2011.

health & human resources

Judy Narramore

THE FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday, April 14, 2009, with seven bills on calendar.

HB 0106 (Matheny) as amended that requires the Emergency Medical Services Board to promulgate standards for the design, construction, equipment, sanitation, operation, and maintenance of ambulances and invalid vehicles and for emergency care equipment for emergency response vehicles and further requires such standards to include restrictions on the amount of mileage of an operational vehicle and mandatory mechanical inspections for vehicles over a certain mileage was referred to FW&M. **HB 1106 (DeBerry J)** was rolled one week due to the sponsor's absence. **HB 1410**



(Ferguson) as amended that creates a six member (three House and three Senate members) special joint committee to study the creation of a Department of Aging and Adult Services and report its findings and recommendations by February 1, 2010, was referred to Government Operations. **HB 1821 (Casada)** was on the calendar in error and was referred to a date certain (May 5th) as previously requested by the sponsor. **HB 1833 (Armstrong)** that creates a 27 member chronic kidney disease task force to develop a plan to educate the public and health care professionals about the advantages and methods of early screening, diagnosis, and treatment of chronic kidney disease, make recommendations on the implementation of a plan for early screening, diagnosis, and treatment of chronic kidney disease, and identify barriers to adoption of best practices and potential public policy options to address the barriers was referred to FW&M. **HB 1998 (Curtiss)** that requires providers of emergency and nonemergency air and ground transportation services for TennCare enrollees to be reimbursed by the Bureau of

TennCare and its MCOs for eligible services at 80 percent of the current Medicaid fee schedule rates was referred to FW&M. Rep. Hackworth presented **HB 2136** and offered a personal amendment to substitute for the Professional Occupations Subcommittee amendment. The proposed amendment rewrites the bill and had not been submitted to the committee; therefore, HB 2136 was rolled one week for review of the sponsor's amendment. After completing the calendar, the committee heard from Commissioner Susan Cooper, Department of Health. Commissioner Cooper gave a department overview and programs update, as well as a brief budget presentation.

PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met Tuesday morning, April 14th with 15 bills on calendar, referring five to full committee. **HB 1353 (Floyd)** exempts Hamilton County from certain statutory requirements relating to county medical examiners and facilities performing autopsies. **HB 1650 (Armstrong)** requires the Health Equity Commission to provide advice to the Commissioner of Finance & Administration concerning the state health plan. **HB**



1655 (Armstrong) gives licensed alcohol and drug abuse counselors the authority to assist clients with applications for state and federal benefits. **HB 1914 (Armstrong)** authorizes the releasing facility and the outpatient qualified mental health professional to also consult with a service recipient's spouse or other adult family member with whom the service recipient would live concerning the outpatient treatment plan, if any necessary consent is obtained prior to the consultation. **HB 2266 (Shepard, Turner M)** as amended enacts

the Health Data Reporting Act of 2009 to revise existing law reporting requirements (all “unusual events”) of health care facilities to require health care facilities to only report incidents of “abuse, neglect, and misappropriation” to the Department of Health within seven business days from the discovery of the incident. The amendment adds a Department of Health reporting requirement that compares and contrasts certain 2007 and 2008 aggregate data.

In other action, Rep Nicely rolled **HB 0722** one week and took **HB 0723** off notice. **HB 1546 (DeBerry J)** was rolled one week at the request of the sponsor. Rep. Ramsey rolled **HB 1871** and **HB 1872** to last calendar. The subcommittee heard extended testimony on **HB 0464 (Odom)** that authorizes nurse practitioners and physician assistants to sign death certificates. At the conclusion of this testimony, subcommittee meeting time had extended beyond one hour; therefore, Chairman Harrison rolled **HB 0464** and the remaining bills on calendar one week: **HB 1114 (Shepard)** with amendment adopted, **HB 1268 (Favors)**, **HB 1495 (Maggart)** as amended on March 17th, and **HB 1651 (Armstrong)** with amendment pending.

The *last calendar* for the Professional Occupations Subcommittee is scheduled for Tuesday, April 21, 2009.

PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **Public Health & Family Assistance Subcommittee** met Tuesday afternoon April 14th with five bills and one resolution on calendar, referring two to full committee. **HB 0219 (Fincher)** as amended requires the Bureau of TennCare to notify each member



of the General Assembly when it proposes a change in TennCare services or reimbursement that affects more than 250 beneficiaries or a change that will affect current or future appropriations in any amount greater than \$100,000, and to notify the TennCare Oversight Committee and each member of the General Assembly prior to

submitting a request for an amendment to or renewal of the TennCare waiver to the U.S. Department of Health & Human Services, and prohibits the submission or implementation of a waiver amendment or renewal unless the TennCare Oversight Committee has been afforded the opportunity to comment. **HB 0151 (Hensley)** as amended requires pharmacies that dispense controlled substances to provide for electronic access to the controlled substance database and provides for a civil penalty.

In other action, Rep. Curtiss rolled **HB 1586** to last calendar. **HB 1810 (Hill)** was rolled one week due to the sponsor’s absence. **HB 2351 (Miller)** was taken off notice at the request of the sponsor. **HJR 0127 (Kelsey)** was taken off notice at the request of the sponsor.

The *last calendar* for the Public Health & Family Assistance Subcommittee is scheduled for Tuesday, April 21, 2009.

HEALTH CARE FACILITIES SUBCOMMITTEE

The **Health Care Facilities Subcommittee** met Wednesday afternoon, April 15, 2009, with 17 bills on calendar, referring three to full committee. **HB 0448 (Pruitt)** increases the personal needs allowance for nursing home residents from \$40 to \$50 beginning January 1, 2010. **HB 0631 (Tindell)** as amended extends the expiration date for the nursing home bed tax from June 30, 2009, to June 30, 2011, and deletes the Commissioner of Health’s authority to deduct the amount due from a forthcoming Medicaid payment when a facility becomes more than 30 days delinquent on its bed tax. **HB 0633 (Tindell)** extends the prohibition on new nursing home beds, except for 125 Medicare SNF (skilled nursing facility) beds, to June 30, 2011.

In other action, **HB 0025 (Hardaway)** was taken off notice at the request of the sponsor. **HB 0297 (Richardson)** was rolled one week due to the sponsor’s absence. **HB 0558 (Kelsey)** was rolled one week at the request of the sponsor. Rep. Tindell rolled **HB 0632** to last calendar. **HB 0817 (Campfield)** was rolled to last calendar. Rep. Lynn presented **HB 0950** concerning the provision of food nutritional information at food service establishments. Chairlady Pruitt rolled **HB 0950** one week for review of the sponsor’s proposed amendment submitted at the time of the meeting. **HB 1295 (Cobb C)** was rolled to last calendar at the request of the sponsor. Rep. Pruitt took **HB 1434** and **HB 1435** off notice. **HB 1532 (Favors)** was rolled two weeks at the request of the sponsor. **HB 1585**

(Curtiss) was rolled to last calendar at the request of the sponsor. Chairlady Pruitt rolled **HB 1737 (Fincher)** one week. **HB 1942 (Favors)** was taken off notice at the request of the sponsor. **HB 2282 (Ferguson, Turner M)** was rolled two weeks at the request of the sponsor.

Chairlady Pruitt announced she is working with Chairman Armstrong to schedule a date certain for *last calendar*.

judiciary

Jeffrey T. Malotte, Esq.

THE FULL COMMITTEE

The **Judiciary Committee** (Chairman Coleman) met on Wednesday, April 15, 2009 with 19 bills on calendar.

*****NOTICE: THE FULL JUDICIARY COMMITTEE WILL CLOSE ON WEDNESDAY, APRIL 29, 2009. THE CIVIL AND CRIMINAL SUBCOMMITTEES WILL CLOSE ON TUESDAY, APRIL 21, 2009 AND WEDNESDAY, APRIL 22, 2009, RESPECTFULLY.*****

To Calendar & Rules:

HB 2247 (Harmon) authorizes persons employed by the Department of Correction as internal affairs special agents or internal affairs directors to administer oaths and take oral and written statements.

HB 1527 (Brooks H), as amended, creates a Class A misdemeanor offense for the unauthorized dissemination of autopsy materials. Amendment #1 states: "No person shall distribute, publish or otherwise disseminate any autopsy photographs, videotape or other visual image or any autopsy audio recording without the written consent of the next of kin or personal representative in the order established pursuant to subsection (c)(1)(A), unless such use is consistent with the provisions of subdivision (c)(1)(B), (c)(1)(C) or (c)(1)(D)."

HB 0302 (Carr) creates a Class A misdemeanor offense for a person to knowingly manufacture, possess, provide, transfer, or submit to any other person, false identification for the purposes of obtaining or maintaining employment.

To Finance, Ways & Means:

HB 1225 (Harwell), as amended, requires person subject to an order of protection to surrender all firearms the person owns or possesses to the sheriff of the county of residence and creates a Class A misdemeanor of a person subject to an order of protection possessing a firearm. Amendment #1 makes the bill; it provides a mechanism for implementing federal law which mandates the surrender of firearms following the issuance of an order of protection.

Rolled:

HB 1448 (McCord): 1 week.

HB 1220 (Haynes): 1 week; waiting on Attorney General's Opinion.

HB 2254 (Yokley): 1 week; amendment expected.

HB 1614 (McDonald): 1 week; waiting on Attorney General's Opinion.

HB 1363 (Todd): to last calendar.

HB 0234 (Todd): to last calendar.

HB 0932 (Kernell): 1 week.

HB 2099 (Towns): 1 week; waiting on Attorney General's Opinion.

HB 0013 (Floyd): 1 week; awaiting review by the members and staff of the House Judiciary Committee of 2008 Tennessee Attorney General's Opinion 08-54 (March 14, 2008) (entitled, "Bail For Illegal Aliens").
 HB 1277 (Gilmore): 1 week.
 HB 0391 (Fincher): 1 week.
 HB 2141 (Lundberg): 1 week.
 HB 1210 (Bass): 1 week.
 HB 0386 (Sontany): 1 week.
 HB 1892 (Coleman): 1 week.



CIVIL PRACTICE & PROCEDURE SUBCOMMITTEE

The **Civil Subcommittee** (Chairman Kelsey) met on Tuesday, April 14, 2009, and Wednesday, April 15, 2009, with 70 bills on calendar.

NOTICE: The Civil Sub will CLOSE on TUESDAY, APRIL 21, 2009.

THE FULL JUDICIARY COMMITTEE WILL CLOSE ON WEDNESDAY, APRIL 29, 2009.

To the full Committee:

HB 1832 (Turner M), as amended, creates a privileged communication between critical incident stress management team members participating in a crisis intervention. Amendment #1 defines the phrase "critical incident stress management team member or team leader".

HB 0736 (Hardaway), as amended, requires the court clerk to provide a debtor an itemized statement showing any balance due for any judgment required by the court or by agreement of the parties to be paid to the court through the clerk's office; requires that as the debtor

makes payments the debtor be provided a receipt showing balance owed. Amendment 31 makes the bill.

HB 1519 (Sargent), as amended, provides that it does not constitute the offense of possessing a gambling device or record if the devices are possessed in this state for the sole purpose of transporting for use outside the state. Amendment #1 makes the bill.

HB 1840 (Haynes), as amended, allows the Knox County Register to redact social security numbers on recorded documents maintained on computers or removable computer storage media. Amendment #1 adds "or in any county having a population of not less than eight hundred thousand (800,000)..." Amendment #2 adds "or in any county having a population of not less than seventy-one thousand (71,000) nor more than seventy-one thousand two hundred (72,000)... or in any county having a population of not less than one hundred five thousand eight hundred (105,800) nor more than one hundred five thousand nine hundred (109,500)..."

HB 0325 (Jones S), as amended, clarifies that the department and any state or local agency records that contain information that identifies the person who made a report of child abuse or neglect are confidential. Amendment #1 makes technical corrections.

HB 1457 (Coleman) prohibits certain persons restrained of their liberty from prosecuting a writ of habeas corpus.

HB 1409 (Tindell), as amended, adds community action agencies and certain nonprofit corporations to the definition of a governmental entity for the purposes of governmental tort liability. Amendment #1 is the same as Senate Amendment #1. Amendment #2 is the same as Senate Amendment #2.

HB 1545 (DeBerry J), as amended, exempts persons licensed by the board of any of the professions of healing arts from liability for civil damages resulting from the delivery of health services for a nominal charge. Amendment #1 makes the bill.

HB 1588 (Curtiss) authorizes veterans to request removal of their social security numbers from war records.

HB 0403 (Sontany), as amended, prohibits any person who has, or has had in the past two years, a sexual relationship with a party or a party's attorney from recording or transcribing for submission to any court or administrative tribunal any hearing in an action involving

such party or such party's attorney. Amendment #1 makes the bill.

An amendment to the amendment is expected as to the definition of "relative" in Section 1(a)(2).

HB 0847 (Mumpower) authorizes filing offices to redact social security numbers from recorded documents.

HB 2235 (Coleman) corrects a reference in regard to the entity responsible for the administration of the Alcohol and Drug Addiction Treatment Fund from the "Department of Health" to the "Department of Mental Health and Developmental Disabilities."

HB 1407 (Jones S) requires private schools and church-related schools to turn over records on a child who is the subject of a child abuse investigation and to cooperate fully with the investigation.

HB 1736 (Fincher), as amended, grants a shooting range that had been in operation for at least 30 years prior to December 16, 2008, the right to continue operating at the same location and such right shall not be amended, restricted, or terminated due to zoning changes. Amendment #1 clarifies certain definitions.

HB 1450 (Coleman) authorizes recovery of cost of collecting unpaid municipal court fees and costs from the defendant.

HB 2325 (Stewart) authorizes bureau of TennCare to bring administrative proceedings to recover TennCare funds under certain circumstances.

HB 1440 (Coleman) extends jurisdiction over certain criminal offenses to municipal courts of municipalities having populations less than 150,000.

HB 1446 (Coleman) authorizes municipal courts to suspend a person's driver license for up to 30 days upon a finding that such person has violated a traffic law or ordinance.

HB 1449 (Coleman), as amended, provides that in order to practice law, person must receive license issued by supreme court and comply with Rule 6 of the rules of the supreme court, except for rule 19 pro hac vice admissions. Amendment #1 makes a grammatical correction.

Taken Off Notice:

HB 0236 (DeBerry J).

HB 0841 (Weaver).

Withdrawn:

HB 0914 (Hill).

Failed:

HB 0711 (Shipley).

To Summer Study:

HB 0682 (Cooper B).

Rolled:

HB 0126 (Hardaway): 1 week.

HB 0130 (Hardaway): 1 week.

HB 0026 (Hardaway): 1 week.

HB 0680 (Cooper B): to last calendar.

HB 1385 (Shipley): to last calendar.

HB 1762 (Shipley): to last calendar.

HB 1137 (Shipley): to last calendar.

HB 1986 (Shipley): to last calendar.

HB 1394 (Johnson P): 1 week.

HB 2296 (Gilmore): 1 week.

HB 1183 (Ford): 1 week.

HB 2243 (Lundberg): 1 week.

HB 1528 (Brooks H0): 1 week.

HB 1503 (Coleman): to last calendar.

HB 1504 (Coleman): to last calendar.

HB 0473 (Cobb C): 1 week.

HB 1812 (Pruitt): to last calendar.

HB 1432 (Sontany): 1 week; amendment expected.

HB 1579 (Harrison): to last calendar.

HB 0681 (Cooper B): to last calendar.

HB 0169 (Casada): 1 week.

HB 2154 (McCord): 1 week.

HB 1598 (Lynn): 1 week; amendment expected.

HJR 0108 (Lynn): 1 week.

HB 2109 (Floyd): 1 week.

HB 1379 (Johnson P): 1 week.

HB 0608 (Stewart): to last calendar.

HB 1358 (Lundberg): 1 week.

HB 1576 (Lundberg): 1 week.

HB 0339 (Hensley): 1 week.

HB 0346 (Hackworth): 1 week.

HB 2377 (DeBerry J): 1 week.

HB 2205 (Ramsey): 1 week.

HJR 0075 (Stewart): 1 week.

HB 2232 (Coleman): 1 week.

HB 2236 (Coleman): 1 week.

HB 2237 (Coleman): 1 week.

HB 2315 (Coleman): 1 week.

HJR 0103 (Kelsey): 1 week.

HB 1486 (Todd): 1 week.

HB 1953 (Armstrong): 1 week.

HB 0317 (DeBerry J): 1 week.

HB 2089 (Towns): 1 week.

HB 1150 (Kelsey): 1 week.
HB 0675 (Turner L): 1 week.
HB 2018 (Kelsey): 1 week.

CRIMINAL PRACTICE & PROCEDURE **SUBCOMMITTEE**

The **Criminal Subcommittee** (Chairman Watson) met on Wednesday, April 15, 2009 with 71 bills on calendar.

*** **NOTICE: The Criminal Sub will CLOSE on WEDNESDAY, APRIL 22, 2009.**

THE FULL JUDICIARY COMMITTEE WILL CLOSE ON WEDNESDAY, APRIL 29, 2009. ***

To the full Committee:

HB 2220 (Stewart) authorizes use of fingerprint as form of acknowledgment in lieu of, or in addition to, a person's signature for citations and certain other notices and documents.

HB 0609 (Stewart) authorizes reimbursement from the criminal injuries compensation fund for the reasonable costs of temporary lodging for the victim of domestic violence, not to exceed 14 days.

HB 0619 (Maggart), as amended, admits into evidence a videotaped statement made by a child under the age of 13 years describing any act of sexual contact or physical abuse if the child is unavailable and the statement is reliable. Amendment #1 makes the bill.

HB 0435 (Shipley) requires county mayors to administer certain funds for litter control programs.



Rep. Coley

HB 0525 (Coley), as amended, makes killing of another while committing domestic abuse first degree murder if there was past pattern of abuse upon victim and circumstances of death manifested extreme indifference to life. Amendment #1 makes the bill.

HB 0526 (Coley), as amended, provides that fourth or

subsequent conviction for domestic assault or violation of a protective order is a Class E felony. Amendment #1 provides that a first conviction is a misdemeanor, and that a second or subsequent conviction is a Class E felony.

HB 1212 (Coley), as amended, requires the county commission of each county with more than one division of its general sessions court to designate one division as the domestic violence division, which has exclusive jurisdiction over domestic violence cases in the county. Amendment #1 changes the language from mandatory to permissive action on the part of local government.

HB 1284 (Favors) prohibits judicial diversion for persons accused of child abuse and aggravated child abuse.

HB 0606 (DeBerry J) establishes attempt to commit first degree murder as a dangerous felony for the offense of possessing a firearm during commission of a dangerous felony.

HB 0607 (DeBerry J) requires service of a certain percentage of the sentence that certain repeat offenders receive upon conviction for aggravated robbery with a firearm.

HB 0611 (DeBerry J) establishes enhanced sentences for crimes of force or violence committed while acting in concert.

HB 0612 (DeBerry J) increases the classification of aggravated robbery from Class B felony to Class A felony when accomplished by use of a firearm or explosive device.

HB 0666 (DeBerry J) adds additional offenses to the definition of "dangerous felony" for purposes of the offenses of employing or possessing a firearm during the commission of a dangerous felony.

HB 2193 (DeBerry J) provides that all aggravated burglaries a defendant commits within a 24-hour period count as separate prior convictions for purposes of determining if the defendant is a multiple, persistent, or career offender under the criminal sentencing reform act.

HB 1541 (Gilmore), as amended, classifies intentionally causing the physical injury of a public or private transportation system employee while the employee is performing an assigned task on or related to the operation of a transit vehicle as aggravated assault

and a Class A misdemeanor. Amendment #1 expands the language of transit vehicle driver to all public employees.

HB 1534 (Dean) removes requirement that a list of bondsmen posted in a correctional facility must be done in order of seniority.

HB 1257 (Tindell), as amended, allows attorney general or the chief deputy to issue a subpoena for production of records related to Internet and computer



Rep. Tindell

use in cases of sexual exploitation of a minor. Amendment #1 makes the bill.

HB 1258 (Tindell), as amended, creates the “Tennessee Second Look Commission.” Amendment #1 rewrites the bill.

HB 1260 (Tindell) removes jurisdiction over criminal proceedings involving the prosecution of child abuse and neglect cases and the

prosecution of the failure to report such cases from juvenile court to a court of general sessions or circuit or criminal court.

HB 1261 (Tindell) increases the age the victim of child abuse or child neglect must be from six to eight years old for a defendant to receive an enhanced punishment for such an offense.

HB 1228 (Fitzhugh), as amended, creates Class B misdemeanor for improper wearing of military decorations or falsely representing that one has been awarded military decorations. Amendment #1 makes typographical corrections.

HB 0457 (McDonald) establishes the Silver Alert system within the TBI to provide statewide information distribution regarding missing person suffering from dementia or other cognitive impairment.

HB 0215 (Harmon), as amended, grants trial judge the option to resentence a defendant whose probation has been revoked to a sentence of community correction as

well as ordering the original sentence reinstated and the incarceration of the defendant. Amendment #1 makes the bill.

HB 0522 (Rich) provides that escaping from the lawful custody of a law enforcement officer constitutes the offense of escape the same as escaping from a penal institution.

HB 0724 (Kelsey), as amended, allows persons with handgun carry permit to carry in public parks, public postsecondary institutions, and places where alcoholic beverages are being served; allows judges to carry firearms where law enforcement can carry if they have permit or appropriate training. Amendment #1 is a clarification.

HB 1837 (Kelsey) requires person convicted of DUI to obtain a special “DUI OFFENDER” license plate from department of revenue for display on the person’s vehicle for a year plus any period of time the person has a restricted license.

HB 1547 (Coleman) specifies citation to definition of “victim” in the Criminal Injuries Compensation Act of 1976.

HB 0588 (Coleman) establishes what crimes may be a lesser included offense generally and states that second degree murder is a lesser included offense of certain first degree murder charges.

HB 0589 (Coleman) adds aggravated child abuse, aggravated child neglect, rape of a child, and aggravated rape of a child to list of criminal offenses that support sentence of death or life imprisonment when committed in conjunction with first degree murder.

HB 0590 (Coleman) defines “proceeds” for money laundering offenses to include gross profits from commission of any unlawful activity including real or personal property.



Chairman Coleman

HB 0591 (Coleman) deletes offense of interception of cellular or wireless telephone transmissions; redefines “electronic communication” and “wire communication” for certain wiretapping and electronic surveillance offenses.

Taken Office Notice:

HB 0860 (Mumpower).
HB 0363 (Mumpower).
HB 0861 (Mumpower).
HB 0855 (Mumpower).
HB 0856 (Mumpower).
HB 0566 (Cobb C).
HB 1961 (Shipley).
HB 1259 (Tindell).
HB 1194 (Rich).
HB 1195 (Rich).
HB 1455 (Coleman).

Failed:

HB 1593 (Lynn).

Rolled:

HB 2221 (Stewart): 1 week.
HB 0323 (Jones S): 1 week.
HB 0517 (Shaw): 1 week; amendment expected.
HB 1293 (Shipley): 1 week; amendment expected.
HB 1262 (Tindell): 1 week; amendment expected.
HB 0714 (McCord): 1 week.
HB 1264 (Evans): 1 week; amendment expected.
HB 0583 (Fincher): 1 week; amendment expected.
HB 1474 (Fincher): 1 week; amendment expected.
HB 0596 (Coleman): 1 week.
HB 1454 (Coleman): 1 week.
HB 1430 (Sontany): 1 week.
HB 1938 (Matheny): 1 week.
HB 1209 (Watson): 1 week.
HB 1130 (Hardaway): 1 week.
HB 1374 (Hardaway): 1 week.
HB 1129 (Hardaway): 1 week.
HB 0027 (Hardaway): 1 week.
HB 0032 (Hardaway): 1 week.
HB 0476 (Hardaway): 1 week.
HB 0477 (Hardaway): 1 week.
HB 1801 (West): 1 week.
HB 1805 (West): 1 week.
HB 1793 (West): 1 week.
HB 1807 (West): 1 week.
HB 1806 (West): 1 week.

state & local government

Lawrence Hall, Jr.

THE FULL COMMITTEE

This week in State and Local Government's full committee there were thirty-seven bills on the calendar for consideration. Sixteen were passed to Calendar and Rules and eleven were passed to Finance, Ways and Means.

Calendar and Rules:

HB 341 by Hensley - Prohibits a permit from being issued for a solid waste disposal facility within five miles of Swan Creek, which is located in Lewis County, in order to protect the great biodiversity of the Swan Creek Watershed the same being the home of a number of rare invertebrates and plants.

HB 1535 by McCormick - Specifies that division of property assessments has right to intervene in contested cases before the state board of equalization; specifies persons who are authorized to represent the assessor.

HB 1115 by Hackworth - Revises various provisions relative to the formation and governance of regional megasite authorities

HB 2170 by Dean - Clarifies that the POST commission shall issue a certificate to any campus police officer or public safety officer upon the officer's completing a training program and gives certain statutorily defined rights to any campus police officer or public safety officer during an investigation and hearing for the officer's conduct that may result in punitive sanctions against such officer.

HB 980 by McDaniel - Authorizes TEMA to coordinate response of governmental utility systems acting under mutual aid during any state of emergency upon request of all responding utilities.

HB 1980 by Fitzhugh - Adds the governor, secretary of state, state treasurer, comptroller, and commissioner of finance and administration as ex officio members of the Tennessee local development authority.

HB 2310 by Favors - Reduces from three to two the number of carpoolers that a state employee must transport in order to apply to park in capitol carpool parking area. - Amends TCA Section 4-8-205.

HB 1905 by Curtiss - Creates a mechanism for local governmental units to purchase goods and services through a competitive reverse auction process after filing a plan with the comptroller to document internal controls to ensure the integrity of the process.

HB 1822 by Winningham - Removes the special provision limiting the per meeting amount of \$250 for Huntsville Utility District commissioners in Scott County, thus applying the general law which sets the payment at \$300 per meeting to such commissioners.

HB 1580 by Harrison - Specifies that retailers are prohibited from selling intoxicating liquors to persons who are "visibly intoxicated" or accompanying a "visibly intoxicated" person rather than someone who is "drunk" or accompanying a "drunk" person.

HB 1946 by Maddox - Specifies that if the regional area outside of the municipal boundaries is less than 50 percent of the entire regional area then only one member of a municipal planning commission shall be appointed from the regional area outside the municipal boundaries regardless of the number of members on a municipal planning commission designated as a regional planning commission.

HB 1741 by Montgomery - Provides that in any jurisdiction in which the sale of alcoholic beverages for consumption on the premises is authorized by referendum, such referendum shall authorize the sale and distribution of alcoholic beverages irrespective of certain other restrictions imposed by other provisions of law.

HB 781 by McCormick - Authorizes revenue received by the Hamilton County register's office from data processing fees,



Rep. Montgomery



Rep. McCormick

above an amount necessary to purchase equipment and services, to be used for other purposes directly related to the official function of such office.

HB 2313 by Bass - Authorizes the department of safety, when a commissioned member of the department is killed in the line of duty, to present the

member's service weapon to the member's surviving spouse or child.

HB 1628 by McCord – This bill requires the Solid Waste Disposal Control Board to promulgate revised rules relating to the disposal and recycling of coal ash.

Finance, Ways and Means:

HB 492 by Tidwell – This bill authorizes the creation of a municipal economic development zone in financially distressed communities; exempts businesses located in such zones from charging and collecting 50 percent of the sales and use tax; dedicates all sales taxes collected in such zones to the creating municipality for certain purposes.

HB 493 by Tidwell - Expands the Tennessee River Resort District for liquor-by-the drink applicable to Perry County to include the entire county, instead of limiting the area in such county to three miles from the bank of the Tennessee River, upon the adoption of a resolution by the county legislative body.

HB 1977 by Fitzhugh - Authorizes Hamilton, Knox, Davidson and Shelby counties to sell bonds at private sale, until June 30, 2010.

HB 2127 by Dennis - Authorizes repeal of Tennessee River Resort District status by two-thirds vote of legislative body of jurisdiction.

HB 780 by McCormick - Authorizes Hamilton County register's office to collect a \$2.00 electronic filing submission fee for each electronically-filed document

recorded over the Internet through such register's county-run electronic filing portal; documents filed by governmental entities are exempt; requires approval of two thirds of local legislative body.

HB 845 by Mumpower – This bill requires two additional members be temporarily added to the state election commission if the majority party changes as a result of the 2008 regular November election or any other regular November election every four years thereafter.

HB 2177 by Ferguson - Allows

county to create board of zoning appeals with up to seven members instead of 3 or 5; allows Knox County to create board of zoning appeals with up to 11 members instead of 5, 7 or 9.

HB 337 by Swafford - Requires TEMA to coordinate with all counties and add a certain number of civil defense sirens for disaster warnings each year until all areas with at least 40 people per square mile are covered by such sirens.

HB 2134 by Naifeh - Establishes the "Tennessee state museum commission."

HB 2168 by Armstrong - Names Knoxville, Tennessee, National Guard Armory in honor of the late Colonel Russell Austin Newman, USA, Retired.

HB 2357 by Johnson P. - Limits printed publication of Tennessee legislative record to conclusion of each annual session of the general assembly.

STATE GOVERNMENT SUBCOMMITTEE

This week in State Government Subcommittee, the committee considered a special calendar on corrections bills. There were twelve bills on the calendar and three were passed to full committee and three failed to receive a majority vote. All other bills were rolled to a later date.



Rep. Mumpower



Rep. Dennis

*Calendar
and Rules:*

HB 670 by Dennis

- Requires a keeper of a jail to notify the department of homeland security by facsimile transmission or other means of prisoners whose citizenship status in this country cannot be determined at time of arrest from documents in the prisoner's possession or if person is in this country illegally.

HB 2308 by Curtiss - Requires offenders under the jurisdiction of the board of probation and parole who transfer residence to another state pursuant to the interstate compact for the supervision of adult offenders to pay to the board an application fee for the transfer; requires board to set the amount of the fee by rule.

HB 1437 by Harwell - Limits circumstances in which restraints may be used on a pregnant prisoner or detainee.

Failed:

HB 52 by Gilmore - Failed

HB 2349 by Dennis - Failed

HB 610 by Stewart – Failed

Rolled Bills:

HB 2088 by Towns – Last Calendar

HB 40 by Hardaway – Last Calendar

HB 224 by Hardaway – Last Calendar

HB 1578 by Windle – 1 Week

HB 80 by Hawk – 1 Week

HB 2036 by Hill – Last Calendar

LOCAL GOVERNMENT SUBCOMMITTEE

This week in Local Government Subcommittee there were twenty-eight bills on the calendar and thirteen were passed to full committee.

HB 1297 by Maddox - Redefines “person entitled to redeem property” to include only persons who on the

date of the tax sale own a legal or equitable interest in the property sold at the tax sale.

HB 2216 by

Gilmore - Requires

the department of environment and conservation to either work with Middle Tennessee State University and Tennessee State University in the study of solid waste management and fund such study or account for all unused funds within the department's budget.

HB 1958 by Kernell - Authorizes county conservation boards, upon majority vote of membership, to meet no less frequently than quarterly rather than monthly.

HB 1659 by Armstrong - Allows alcoholic beverages to be sold for on premises consumption in unincorporated areas of a county with a charter form of government that has held a countywide local option election approving liquor-by-the-drink.

HB 1155 by Shepard - Creates direct shipper license to be issued through the alcoholic beverage commission that would allow an in-state or out-of-state entity to ship wine directly to consumers age 21 years or older in this state for personal use.

HB 1769 by Cobb C. - Extends the time by which the Tennessee Duck River development agency must deliver a written report for alternative source analysis to certain members of the general assembly.

HB 1725 by Lundberg - Subject to local approval, removes recall, initiative, and referendum provisions from charter.

HJR 82 by Lynn – Designates September 2009 as “American Indian Heritage Month.”

HB 598 by Kelsey - Authorizes right of redemption within one year from the date of the recording of tax deed, rather than from date property was sold.



Rep. Gilmore

HB 1673 by Matlock - Authorizes utility districts to own and operate natural gas vehicle fueling stations.

HB 1558 by Dean - Authorizes the purchase of secondhand items by local governments as long as the general range of value of the item is documented through a listing in a recognized publication or through an appraisal and the price is no more than 10 percent of the documented range.

HB 1184 by Ford - Increases in-service training requirements for constables from 40 hours in the first year to 40 hours each year elected; and requires



constable to file certification of completion of such in-service training with county clerk.

HB 2139 by Todd - Codifies the generally accepted practice of municipal governing bodies to act by ordinance if the general law or charter requires the action to be by ordinance and definitely if the action levies a tax, makes a special assessment, is

permanent in nature, or has a regulatory or penal effect.

ELECTIONS SUBCOMMITTEE

This week in Elections Subcommittee **HB 1421 by Rep. Todd** was the only bill to pass to full committee. This bill makes various revisions to the election laws including allowing a person to email a transfer of voter registration or email a request for an application to vote absentee. Both **HB 1838 by Rep. Todd** and **HB 1283 by Tidwell** failed to receive a majority vote. All other bills were rolled for one week.

THE FULL COMMITTEE

The **House Transportation Committee** convened April 14, 2009. There were 12 bills on the calendar.

HB1335 (Harmon) and **HB415 (Windle)** were rolled to the last calendar.

HB1263 (Sontany), **HB1376 (Hill)** and **HB706 (Dean)** were rolled for one week.

HB2069 (J. Cobb) and **HB1215 (Tidwell)** were referred to summer study.

The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee**:

HB1442 (Harwell) – “H. Clay Turner Memorial Bridge” highway signs at Old Franklin Road & I-24 in Metropolitan Nashville and Davidson County. An amendment was adopted to require Davidson County to pay for the signs.

HB1605 (H. Brooks) – As amended, requires a bicycles that is driven at night to have either a red reflector or a lamp emitting a red light that is visible from 500 feet to the rear of the bicycle.

HB244 (Rich) – “Eddie L. Niles Bridge” highway signs on a bridge on U.S. Highway 64 in the City of Somerville, Fayette County. An amendment was adopted to require Fayette County to pay for the signs.

The following bills were passed by the committee and will be placed in the **Omnibus Special License Plate Bill**:

HB447 (Pruitt) – Authorizes issuance of Music City Inc. Foundation new specialty earmarked plates, and allocates 50 percent of funds produced from the plate’s sale to the Music City Inc. Foundation.

HB1539 (Litz) – As amended, adds former municipal court judges to eligibility list for judiciary registration plates.

RURAL ROADS SUBCOMMITTEE

The **Rural Roads Subcommittee** did not meet this week. The committee is scheduled to close next week.

PUBLIC SAFETY SUBCOMMITTEE

The **Public Safety Subcommittee** met April 14, 2009 to consider seven bills.

HB1910 (C. Johnson) was referred to the Education Committee on the floor Monday night.

HB1429 (Niceley) was sent to the Clerk’s desk.

HB2052 (Rowland) was rolled for two weeks.

HB293 (Carr) and **HB404 (Lollar)** were rolled for one week.

HB982 (Shaw) was taken off notice.

The following bill was passed by the committee and *referred to the full Transportation Committee*:

HB669 (Hackworth) – As amended, requires that a person, who did not have vehicle insurance when he received a citation for lack of vehicle insurance, cannot subsequently have the citation dismissed by a court.

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